

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/38955

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A43B 13/18, 23/28

US CL : 36/58.5, 27, 28, 35R, 37, 136, 144

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 36/58.5, 27, 28, 35R, 37, 136, 144, 142, 143, 71, 43, 44, 105

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
NONE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
NONE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 220,200 A (WHITTIER) 30 September 1879, see whole reference.	3
Y	DE 3,935,714 A1 (RULLIER ET AL) 03 May 1990, see whole reference.	1
Y	US 4,187,620 A (SELNER) 12 February 1980, see whole reference.	2
Y	US 5,651,196 A (HSIEH) 29 July 1997, see whole reference.	2
Y	US 5,437,111 A (KOUSAKA ET AL) 01 August 1995, see whole reference.	2
Y	US 4,813,157 A (BOISVERT ET AL) 21 March 1989, see whole reference.	2

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

18 March 2003 (18.03.2003)

Date of mailing of the international search report

01 APR 2003

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703)305-3230

Authorized officer

Marie Patterson

Telephone No. 703-308-1148

Sheila H. Venev
Patent Specialist
Tech. Center 3700

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/38955

Box I Observations where certain claims were found unsearchable (Continuation of Item 1 of first sheet)

This international report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claim Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claim Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claim Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of Item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:
Please See Continuation Sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

☐
☒

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

PCT/US02/38955

BOX II. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In order for more than one species to be examined, the appropriate additional examination fees must be paid. The species are as follows:

Species I: The embodiment of claim 1.

Species II: The embodiment of claim 2.

Species III: The embodiment of claim 3.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: There is no special technical feature present so as to link the species. A spring cushion located in the heel of a midsole is already known in the art and therefore cannot be considered a "special technical feature" since a special technical feature is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, defines over the prior art. Since the spring heel cushion is already known in the art (see prior art cited), it cannot be considered to be a special technical feature.